



## SOUTH AREA COMMITTEE



### AGENDA

**To: City Councillors:** Dryden (Chair), Meftah (Vice-Chair), Ashton, Blackhurst, Birtles, McPherson, Pippas, Stuart and Swanson

**County Councillors:** Carter, Heathcock and Shepherd

*Dispatched: Friday, 4 January 2013*

**Date:** Monday, 14 January 2013

**Time:** 7.30 pm

**Venue:** Meeting Room - CHVC - Cherry Hinton Village Centre

**Contact:** Martin Whelan

**Direct Dial:** 01223 457013

The City Council is currently consulting on the proposals for the introduction of Dog Control Orders under the Clean Neighbourhoods and Environment Act 2005.

Prior to this meeting there will be a display, which shows the specific proposals for the South area.

Members of the public will have the opportunity to look at the proposals for their area and discuss them with Officers and provide comments before the final proposals are formulated.

**1 APOLOGIES FOR ABSENCE**

**2 MINUTES**

Enclosed seperately

**3 MATTERS AND ACTIONS ARISING FROM THE MINUTES**

**4 DECLARATIONS OF INTEREST**

Members of the committee are asked to declare any interests in the items on the agenda. In the case of any doubt, the advice of the Head of Legal

should be sought **before the meeting.**

**5 OPEN FORUM**

**6 POLICING AND SAFER NEIGHBOURHOODS** *(Pages 1 - 12)*

**7 NEW AND REPLACEMENT BUS SHELTER PROGRAMME**  
*(Pages 13 - 18)*

**Planning Items**

**8 PLANNING ENFORCEMENT REPORT - 9 MOWBRAY ROAD, CAMBRIDGE** *(Pages 19 - 34)*

# Meeting Information

## Open Forum

Members of the public are invited to ask any question, or make a statement on any matter related to their local area covered by the City Council Wards for this Area Committee. The Forum will last up to 30 minutes, but may be extended at the Chair's discretion. The Chair may also time limit speakers to ensure as many are accommodated as practicable.

## Public Speaking on Planning Items

Area Committees consider planning applications and related matters. On very occasions some meetings may have parts, which will be closed to the public, but the reasons for excluding the press and public will be given.

Members of the public who want to speak about an application on the agenda for this meeting may do so, if they have submitted a written representation within the consultation period relating to the application and notified the Committee Manager that they wish to speak by **12.00 noon on the working day before the meeting.**

Public speakers will not be allowed to circulate any additional written information to their speaking notes or any other drawings or other visual material in support of their case that has not been verified by officers and that is not already on public file.

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Further information is also available online at

<http://www.cambridge.gov.uk/public/docs/Having%20your%20say%20at%20meetings.pdf>

The Chair will adopt the principles of the public

speaking scheme regarding planning applications for general planning items and planning enforcement items.

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## **Representations on Planning Applications**

**Public representations** on a planning application should be made in writing (by e-mail or letter, in both cases stating your full postal address), within the deadline set for comments on that application. You are therefore strongly urged to submit your representations within this deadline.

**Submission of late information** after the officer's report has been published is to be avoided. A written representation submitted to the Environment Department by a member of the public after publication of the officer's report will only be considered if it is from someone who has already made written representations in time for inclusion within the officer's report.

Any public representation received by the Department after 12 noon two working days before the relevant Committee meeting (e.g. by 12.00 noon on Monday before a Wednesday meeting; by 12.00 noon on Tuesday before a Thursday meeting) will not be considered.

The same deadline will also apply to the receipt by the Department of additional information submitted by an applicant or an agent in connection with the relevant item on the Committee agenda (including letters, e-mails, reports, drawings and all other visual material), unless specifically requested by planning officers to help decision-making.

## **Filming, recording and photography**

The Council is committed to being open and transparent in the way it conducts its decision-

making. Recording is permitted at council meetings, which are open to the public. The Council understands that some members of the public attending its meetings may not wish to be recorded. The Chair of the meeting will facilitate by ensuring that any such request not to be recorded is respected by those doing the recording.

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[www.cambridge.gov.uk/democracy/ecSDDisplay.aspx?NAME=SD1057&ID=1057&RPID=33371389&sch=doc&cat=13203&path=13020%2c13203](http://www.cambridge.gov.uk/democracy/ecSDDisplay.aspx?NAME=SD1057&ID=1057&RPID=33371389&sch=doc&cat=13203&path=13020%2c13203).

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A loop system is available on request.

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#### **Queries reports**

on If you have a question or query regarding a committee report please contact the officer listed at the end of relevant report or Democratic Services on 01223 457013 or [democratic.services@cambridge.gov.uk](mailto:democratic.services@cambridge.gov.uk).

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# Neighbourhood profile update Cambridge City South Neighbourhood

January 2013



**Steve Poppitt, Safer  
Neighbourhoods  
Inspector**

**Lynda KilKelly, Safer  
Communities Manager,  
Cambridge City Council**



<b>1</b>	<b>INTRODUCTION</b>	<b>2</b>
	Aim	
	Methodology	
<b>2</b>	<b>CURRENT PRIORITIES</b>	<b>3</b>
<b>3</b>	<b>PRO-ACTIVE WORK &amp; EMERGING ISSUES</b>	<b>6</b>
<b>4</b>	<b>ADDITIONAL INFORMATION</b>	<b>7</b>
	Current Crime & ASB Incident Levels By Ward	
	Arson Data	
	Environmental Services Data	
<b>5</b>	<b>RECOMMENDATIONS</b>	<b>11</b>

## **1 INTRODUCTION**

### **Aim**

The aim of the Neighbourhood profile update is to provide an overview of action taken since the last reporting period, identify ongoing and emerging crime and disorder issues, and provide recommendations for future priorities and activity in order to facilitate effective policing and partnership working in the area.

The document should be used to inform multi-agency neighbourhood panel meetings and neighbourhood policing teams, so that issues can be identified, effectively prioritised and partnership problem solving activity undertaken.

### **Methodology**

This document was produced using the following data sources:

- Cambridgeshire Constabulary crime and anti-social behaviour (ASB) incident data for July to November 2012, compared to the previous reporting period (February to June 2012) and the same reporting period in 2011.
- City Council environmental services June to November 2012, compared to the same reporting period in 2011; and
- Information provided by the Safer Neighbourhood Policing Team, Cambridgeshire Fire & Rescue Service and the City Council's Safer Communities Section.



## 2 CURRENT PRIORITIES

At the South Area Committee meeting of 16 July 2012, the committee recommended adopting the following issues as priorities:

- ASB in Cherry Hinton;
- Anti-social use of mini motos;
- Anti-social parking associated with primary schools in Queen Edith's;
- Speeding at Church End; and
- Dwelling burglary

The Neighbourhood Action Group (NAG), at its meeting of 24 July, assigned the actions to be taken and the lead officers for four of the five recommended priorities. The recommendations around anti-social use of mini motos was not adopted by the NAG because, with the change in weather and darker evenings, there was no evidence of significant problems being reported to the police or the Safer Communities Section. The NAG therefore decided that resources would be best used to address the other four priorities, where the team could realistically achieve results. The tables below summarise the actions taken and the current situation.

<b>ASB in Cherry Hinton</b>	
<b>Objective</b>	Reduce ASB in Cherry Hinton
<b>Action Taken</b>	<p>Approximately 75 hours of duty time was spent on this issue during the period. The focal points for this activity are the shops on the High Street near to Tesco, the recreation ground and other green spaces in and around the High Street. 10 incidents were reported during the period. They are spread between the High Street and the recreation ground.</p> <p>Due to the length of this reporting period it includes the end of the summer as well as the colder months towards the end of the year. Despite this ASB figures are still down compared to the equivalent period last year however they show a smaller increase compared to the previous reporting period. There are no positive results, such as alcohol confiscation or drug seizures, directly attributable to the increased patrols. However the incidents specifically linked to this activity show no reported underage drinking or suspected drug activity. In this reporting period the extra patrolling has resulted in more opportunity for positive community engagement with local youths and residents.</p>
<b>Current Situation</b>	The situation is now much better compared to the first reporting period. However it now appears to have reached a relatively stable level of activity. In the last few months there have been

	very few calls from the Tesco on the High Street to report problems. The majority of the calls now are to do with issues other than youth related ASB. They are mainly about suspicious incidents involving persons possibly engaged in shoplifting or problems with older individuals. The local Police Community Support Officers (PCSOs) now conduct regular police surgeries using the mobile police station on the High Street and typically the surgeries take place at peak times for the use of the local facilities.
<b>Lead Officer</b>	Sergeant Jim Stevenson Cambridgeshire Constabulary

<b>Anti-social parking associated with primary schools in Queen Edith's</b>	
<b>Objective</b>	Reduce anti-social parking
<b>Action Taken</b>	<p>Approximately 15 hours of high visibility patrols have been conducted outside Queen Edith's Primary School, Morley Memorial School, Homerton Nursery and the Pelican Preparatory School at peak dropping off and picking up times. During this period 18 drivers have been dealt with using a variety of methods, from Fixed Penalty Notices to advice on the considerate use of the vehicle both for the manner in which it is being driven or the location in which it is parked.</p> <p>The strategy at present has been one of enforcement outside the four locations. Responding to the requests from residents most of the enforcement activity has been around the Queen Emma School with the visits to Queen Edith's Primary School, the Pelican and Morley Memorial resulting in no problems being found.</p>
<b>Current Situation</b>	The situation continues to improve with most of the visits resulting in reports of "no problems" from the local PCSOs. The recent intakes at both schools have not resulted in an increase in the amount of complaints or the amount of enforcement activity being undertaken. This would suggest that the parents of new starters have been given suitable advice by the school or other parents about the importance of considerate parking. There is no doubt that the roads around all four locations are busy at peak times and there is no doubt that some local residents will still remain frustrated by this, however it is apparent that most of the time the parking is both lawful and considerate.
<b>Lead Officer</b>	Sergeant Jim Stevenson Cambridgeshire Constabulary

<b>Speeding at Church End</b>	
<b>Objective</b>	Excess speed enforcement
<b>Action Taken</b>	<p>Speed enforcement activity has been carried out on 6 separate occasions by members of the South Area Team supported by the Special Constabulary totalling about 10 hours work in the area. This has resulted in 8 FPNs issued to motorists 4 of them for using a handheld electronic device whilst driving, 1 for not wearing a seatbelt. The remaining 3 for speeding in excess of 35mph.</p> <p>Traffic activity on Church End is generally quite high with vehicles being speed checked typically at the rate of 40-50 cars/hour. Most vehicles are recorded driving within the speed limit.</p> <p>Speed enforcement is not an activity which PCSOs can conduct and has to be carried out by police officers within strict safety guidelines. These guidelines are there to prevent the enforcement activity resulting in accidents/injury to police staff/injury to other road users.</p>
<b>Current Situation</b>	The geography of Church End makes the successful use of a hand held speed device problematic. The layout of the road presents remarkably few locations where there is sufficient distance to enable the operator to spot the approaching vehicle, train the device on it, activate it, check the result and then, if appropriate, stop the offending vehicles safely. However it is a high visibility activity, every driver using Church End can see police officers engaged in speed enforcement and even if not speeding on that occasion will be aware of the activity, which should modify the behaviour of potential offenders on future occasions.
<b>Lead Officer</b>	Sergeant Jim Stevenson Cambridgeshire Constabulary

<b>Dwelling burglary</b>	
<b>Objective</b>	Dwelling burglary reduction
<b>Action Taken</b>	<p>The South Area Team E-Cops messages include regular updates about burglaries that have occurred in the south area as well as crime prevention advice. The PCSOs have included regular crime prevention sessions in their Community Surgeries and have conducted numerous joint surgeries with the local crime prevention team.</p> <p>Police officers have conducted repeated high visibility and</p>

	plain-clothes patrols in the south area targeting suspicious persons in known burglary hot spots using stop searches to identify offenders. The work of the South Area Team has been in support of that carried out by the priority crime team at Parkside as well as officers from the Integrated Offender Management team and as part of their core duties, they continue to target known individuals suspected of committing Serious Acquisitive Crime.
<b>Current Situation</b>	Burglary rates over the last reporting period have been in line with typical crime figures for the local area over the period examined and much improved on the reports from the previous period which were unusually high. The incarceration of several high profile offenders during the end of the summer may be responsible for the reduction.
<b>Lead Officer</b>	Sergeant Jim Stevenson Cambridgeshire Constabulary

### 3 PRO-ACTIVE WORK & EMERGING ISSUES

- Safer Communities Section officers are dealing with a number of addresses where there have been reports of ASB, mainly drunken, rowdy behaviour, which is impacting on the community. These are unrelated to the youth ASB in the area. The officers are liaising closely with the police and Housing to resolve the issues.
- Increase in overall crime due to increase in cycle theft, particularly in Newtown area.
- Increase in drugs possession offences (11 compared to 4 in previous period) due to pro-active police action.
- Good reductions in dwelling burglary compared to previous five months.
- Good reduction in ASB compared to same period last year, particularly in Cherry Hinton.
- Good reduction in violent crime compared to previous 5 months. There are no public space violent crime hotspots (there are 59 types of offence included in the violent crime category).
- Monthly surgeries continue at Waitrose (Trumpington), the Concourse at Addenbrooke's and in the High Street, Cherry Hinton using the mobile police station.
- Intervention activity over the reporting period has seen 5 search warrants executed and numerous stop searches for drugs offences. This has resulted in approximately £5,000 worth of Class A drugs being seized (mostly heroin and crack cocaine) and £10,000 in cash seized which is believed to be linked to the sale of illegal drugs. Currently there are several active investigations into the supply of drugs in the South Area.



## ARSON DATA

Period: July to November 2012

### Deliberate fire summary data:

Incident	Refuse	Bin	Vehicle	Residential	Non residential
Cherry Hinton	0	1	0	0	0
Trumpington	0	0	0	0	0
Queen Edith's	0	0	0	0	1

<b>General</b>	<p>With regard to parking issues, Fire Service operations staff have visited both schools and streets around Addenbrookes. Access checks revealed that appliances could access all areas except for a section of Almoners Avenue, between Topcliffe Way and Beaumont Road where parking on both sides of the road is permitted. A total of 9.5 service hours have been devoted to the area since the last area committee on periodic visits at various times including early morning to meet parking motorists. On two occasions fire appliances were present. Access advisory notices were placed on 37 vehicles on various dates and times. Although on those occasions that appliances attended motorists were seen to consider parking and then drive away and park nearby indicating that they were aware of the issue. A total of 42 people were approached and suitable advice offered. No one objected to moving. At the nearby junctions of the streets mentioned above, the junctions have been marked with double yellow lines up to 5m from the junction. If one set of those yellow lines could be extended to join those at the next junction on one side of the road then the appliance access issues could be resolved. Whilst heavy occupation of all available parking spaces in the area was observed by those seen to walk off in the direction of the hospital or on cycles towards the city, that parking does not impede the access of emergency vehicles into the area. A total of 3 hours were devoted to school access checks and access to/past the schools was possible on the occasions observed. Parking was busy and parents were engaged by the crews and leaflets distributed to them. The schools will be revisited during the first week of the term to reassess.</p>
<b>Cherry Hinton</b>	<p>No adverse activity, fire related ASB seems to have reduced dramatically.</p>

<b>Trumpington</b>	No adverse activity.
<b>Queen Edith's</b>	Single incident on City Homes' property related to other crime and not ASB.
<b>Comments</b>	None.

## ENVIRONMENTAL SERVICES DATA

### Cherry Hinton

#### *Abandoned vehicles*

- June to November 2012: 8 reports, which included
  - 6 vehicles not on site following inspection
  - 1 vehicle subsequently claimed by their owners
- Hotspots: None
- June to November 2011: 19 reports

#### *Fly tipping*

- June to November 2012: 25 reports
- Hotspots: None
- June to November 2011: 77 reports

#### *Derelict cycles*

- June to November 2012: 4
- Hotspots: None
- June to November 2011: 18

#### *Needle finds*

- June to November 2012: 15
- Hotspots: Tenby Close - 14 were found in one incident, all were used and found by staff in a bin cupboard, and were removed immediately once found.
- June to November 2011: 2

### Trumpington

#### *Abandoned vehicles*

- June to November 2012: 5 reports, which included
  - 3 vehicles not on site following inspection
  - 1 vehicle subsequently claimed by their owners
  - 1 vehicles impounded on behalf of the DVLA for not having valid road tax
- Hotspots: None
- June to November 2011: 7 reports

### *Fly tipping*

- June to November 2012: 20 reports, which included
  - 4 formal warning letter issued to domestic offenders
- Offences at Coronation Street accounted for 4 of the formal warning letters sent.
- Hotspots: Coronation Street (4), Hills Road (5)
- June to November 2011: 44 reports

### *Derelict cycles*

- June to November 2012: 16
- Hotspots: None
- June to November 2011: 30

### *Needle finds*

- June to November 2012: Nil
- Hotspots: None
- June to November 2011: Nil

## **Queen Edith's**

### *Abandoned vehicles*

- June to November 2012: 6 reports, which included
  - 3 vehicles not on site following inspection
  - 2 vehicle subsequently claimed by their owners
  - 1 vehicles impounded on behalf of the DVLA for not having valid road tax
- Hotspots: None
- June to November 2011: 3 reports

### *Fly tipping*

- June to November 2012: 11 reports
- Hotspots: None
- June to November 2011: 17 reports

### *Derelict cycles*

- June to November 2012: 32
- Hotspots: Blinco Grove (3),
- June to November 2011: 20

### *Needle finds*

- June to November 2012: Nil
- Hotspots: None
- June to November 2011: Nil



## **5. RECOMMENDATIONS**

- ASB in Cherry Hinton to address the rise in criminal damage
- Combating supply of controlled drugs in South area
- Theft of pedal cycles in Trumpington

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**To:** South Area Committee  
**Date:** Monday 14<sup>th</sup> January 2013  
**Report by:** Simon Payne  
Director for Environment  
**Wards affected:** Cherry Hinton, Queen Ediths, Trumpington

## **NEW AND REPLACEMENT BUS SHELTER PROGRAMME**

### **1.0 Executive summary**

- The City Council has approved expenditure of £267,000 on the provision of 12 new shelters and the replacement of approximately 60% of the 62 existing City Council owned shelters across the city. This report requests that South Area Committee approve the proposed allocation of 3 new shelters at existing bus stops in the south area of the city.

### **2.0 Recommendations**

2.1 The South Area Committee is recommended:

2.1.1 To approve the proposed allocation of 3 new shelters, at locations detailed in table 1.0 of this report.

### **3.0 Background**

3.1 There are currently 176 bus shelters across Cambridge, 25 owned by the County Council, 89 by Clearchannel (formally Adshel) and the remaining 62 owned by the City Council.

3.2 The City Council are only responsible for the provision of shelter facilities at bus stops in the city. The bus stop itself, flag and timetable are all the responsibility of the County Council as the Transport Authority.

3.3 It is proposed to provide 12 new City Council owned shelters at existing bus stops throughout the city.

- 3.4 A revenue bid to provide additional annual maintenance funding for these shelters was approved at Council in February 2012.
- 3.5 The new shelters will be similar in appearance to the cantilevered Clearchannel shelters, but will not have advertising panels.
- 3.6 Consideration of the potential for vandalism will be assessed on a site by site basis and the specification of each shelter amended accordingly. Changes could include the provision of perspex panels rather than glass or the addition of mesh reinforcement to glass panels.
- 3.7 Bus routes with higher passenger volumes take priority, along with areas of the city where bus use is predominantly by vulnerable groups such as the elderly and infirm.
- 3.8 Consultation has taken place with key stakeholders such as the County Council, bus operators and Councillors. Suggestions have also been received directly from residents over the past few years, and appendix A of this report lists all suggested new shelter sites across the city.
- 3.9 The deliverability of each site has been assessed and in many cases there is not enough space to provide a shelter within the public highway and these sites are therefore not feasible.
- 3.10 Any shelters that are sited on at risk bus routes have also not been prioritised, both for new shelters and the replacement of existing shelters.
- 3.11 Table 1.0 overleaf lists the three new shelter sites proposed within South Area.

<b>Suggested Location</b>	<b>Ward</b>	<b>Further Details</b>	<b>Suggested by</b>
Cherry Hinton High Street	Cherry Hinton	Mill End Close (TESCO users have to change buses here, and village centre/hall). Sufficient room.	Resident & Ward Councillors
Hills Rd	Queen Edith's	Opp. HRSFC. A busy stop. Sufficient room. Adjacent railings currently used for cycle parking.	Former Cllr Amanda Taylor
Queen Edith's Way	Cherry Hinton	Greystoke Road (to Cherry Hinton library, dentist, pharmacy and GP surgery) There is space, but possible risk of objections from residents, as it will be directly in front of their houses.	County Council - Paul Nelson Julian Huppert MP

Table 1.0 Suggested new shelter sites in the South area.

## 4.0 Implications

### 4.1 Climate Change impact

+ Medium: The project will promote use of sustainable transport by making bus travel more attractive, thereby reducing the level of motor vehicle traffic in Cambridge.

### 4.2 Equal Opportunities Implications

Improvements to shelters will reduce the fear of crime. This would be particularly beneficial in areas of the City where bus use is predominantly by vulnerable groups such as the elderly and infirm.

### 4.3 Environmental Implications

Improvements to waiting facilities for passengers will help to make bus travel more attractive. The local street scene will be improved. Bus shelters across the City will have a smarter, better-integrated appearance, presenting a better image of public transport than at present.

### 4.4 Community Safety Implications

Improving shelters will help to make them safer and more attractive for vulnerable bus users. This will help to boost use of public transport. The use of alternative materials will reduce crime and vandalism.

## **5.0 Background papers**

These background papers were used in the preparation of this report:

Project Appraisal - New and Replacement Bus Shelter Project  
Environment Scrutiny Committee - October 2011.

## **6.0 Appendices**

### APPENDIX A

Suggested bus shelter locations.

## **7.0 Inspection of papers**

To inspect the background papers or if you have a query on the report please contact:

Author's Name: Andrew Preston  
Author's Phone Number: 01223 457271  
Author's Email: [andrew.preston@cambridge.gov.uk](mailto:andrew.preston@cambridge.gov.uk)

SUGGESTED NEW SHELTER LOCATIONS			
Suggested Location	Ward	Further Details:	Suggest by:
Cherry Hinton High Street	Cherry Hinton	Mill End Close (TESCO users have to change buses here, and village centre/hall). Sufficient room.	Resident & Ward Councillors
Hills Rd	Queen Edith's	Opp. HRSFC. A busy stop. Sufficient room. Adjacent railings currently used for cycle parking.	Former Cllr Amanda Taylor
Queen Edith's Way	Cherry Hinton	Greystoke Road (to Cherry Hinton library, dentist, pharmacy and GP surgery). There is room, but possible objections from residents as it will be in front of their low height fences right outside their houses. Although there is currently a flag there, buses stop in front of a drive way.	County Council - Paul Nelson MP Julian Huppert
Teversham Drift	Cherry Hinton	Access is muddy and grassy. (elderly residents). Plenty of room. Requires additional funding for construction of a footpath.	Ward Councillors
Long Rd	Queen Edith's	Nr Long Road SFC. Both footpaths are cycle routes, too narrow opp Long Rd SFC, maybe space on South side. Bus service isn't that frequent.	Former Cllr Amanda Taylor
Castle Street	Castle (adj. Arbury)	St Peter's Church. Narrow footway (approx 1.8m, may be possible using a shelter with no side panels, right at the back of footway)	Resident & Cllr Simon Kightly
Madingley Road	Castle (adj. Newnham)	Opp. Bulstrode Gardens (elderly residents). Plenty of space.	Cllr Lucy Nethsingha County Council - Paul Nelson
Madingley Road	Castle (adj. Newnham)	Between Storey's Way and Grange Road (well used). Major cycleway. Minimise obstruction. High user volume	Cllr Colin Rosenstiel Cllr Lucy Nethsingha
Silver Street	Newnham	Queen's College (Citi4, Uni 4 & sightseeing). Enough room, but is in a conservation zone	StageCoach - Andy Campbell
Silver Street	Newnham	Darwin College (Citi4, Uni 4 & sightseeing). Narrow footway (approx 1.8m, may be possible using a shelter with no side panels, right at the back of footway). Conservation zone	StageCoach - Andy Campbell
Cambridge Leisure to Addenbrookes	Coleridge/Queen Edith's	Exact position TBC (Hills Road Services 1, 7, 8, 13 & Uni 4). Recommend just before Elsworth Place, wide footway and very well used. Several major routes. Other options along road are much narrower.	StageCoach - Andy Campbell
Cherry Hinton Road	Coleridge	Derwent Close (elderly residents, possibly limited footway/cycleway room) Citi 3 & Citi 2. Would be on grass verge and likely to get complaints from adjacent residents as would be imposing on their frontage.	Cllr Lewis Herbert Resident - Mr R Secker Cllr George Owers
Cherry Hinton Road	Coleridge	Opp. Derwent Close (Well used, better footway/cycleway clearance) Citi2 & Citi 3. Would be built into grass verge	County Council - Paul Nelson Resident - Mr R Secker
Lichfield Road	Coleridge	Neville Road. (elderly residents). Subsidised route, not well used, possible future closure of route 114. Plenty of room at all locations.	County Council - Paul Nelson Cllr George Owers Cllr Lewis Herbert Estate Champion - Will Beavitt
Perne Road	Coleridge	Birdwood Road. Displaced by pedestrian crossing (elderly residents). Room on adjacent verges, although adjacent residents are likely to complain as they park there. Former shelter was AdShel.	Cllr George Owers Cllr Lewis Herbert
Fison Rd	Abbey	Lay-by stop. Currently bench recessed into fence, check ownership. Would block light from adjacent window. Possible conflict with established/mature tree roots. Citi 3. Timetable stop (waiting zone)	Cllr Caroline Hart
Birdwood Road	Coleridge	Gray Road, Citi 2. Could be located in verge. Visibility for vehicular dropped kerb would need checking.	Cllr Lewis Herbert StageCoach - Andy Campbell
Cherry Hinton Road	Coleridge	Opp Clifton Rd very busy, citi3. Quite narrow but doable.	Cllr Lewis Herbert
Cherry Hinton Road	Coleridge	Nr Rock Rd very busy. Would need relocating, suggest outside Lloyds Bank (near Rathmore Rd). Quite narrow but doable.	Cllr Lewis Herbert
Newmarket Road	Abbey	Opp. TESCO. Footway is narrow, so would need removal of hedges on retail estate (probably private land). Well used, several major routes.	County Council - Paul Nelson
Carlton Way	Arbury	(Citi 1) Kingsway Flats. for people waiting to travel north east to King's Hedges / East Chesterton. Area is characterised by residents who are more reliant on public transport. Room if concrete "Kingsway" blocks are removed, or hedge/knee rail.	Resident - Mr & Mrs Horner Cllr Mike Todd-Jones
Histon Road	Arbury	(Citi 8) Ranch pub / Linden Close. A popular stop. Elderly residents. Very narrow footway, unless taking some land from the pub.	Cllr Simon Kightly Cllr Mike Todd-Jones
Histon Road	Arbury	(Citi 8) Aldi / Iceland / just south of Co-op and row of shops. A stop used by shoppers then going north to parts of Castle / Arbury. Limited footway unless hedge/knee high fence at Aldi is removed.	Cllr Simon Kightly Cllr Mike Todd-Jones
Victoria Road	Arbury	(Citi 8) - inbound, by 222, Victoria Road. Just round the corner from busy junction / flats / new development proposed (Victoria Road / Histon Road / Huntingdon Road junction). Room if done carefully, needs discussion with County about visibility etc.	Cllr Mike Todd-Jones

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## CAMBRIDGE CITY COUNCIL

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REPORT OF:                    Head of Planning Services

TO:                                South Area Committee

DATE: 14/01/13

WARD:                            Queen Ediths

### **PLANNING ENFORCEMENT CONTROL ENFORCEMENT NOTICE REPORT**

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#### **9 Mowbray Road, Cambridge**

#### **The sub division of a C3 Dwellinghouse to create a House in Multiple Occupation (sui generis) and self contained flats**

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#### **1. INTRODUCTION**

1.1 This report seeks the authority to serve an Enforcement Notice to address the following breaches of planning control at 9 Mowbray Road, Cambridge:

1. without planning permission, the sub division of a C3 dwelling house to create separate self contained residential units and
2. the unauthorised change of use of a C3 Dwellinghouse as a House in Multiple Occupation (sui generis).

Please see Appendix A for a site plan.

#### **2. PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Outcome</b>
12/0183/FUL	Change of use to HMO	Refused
10/1028/FUL	Change of use to 1no two bedroom house, 1no two bedroom flat and 1no one bedroom flat.	Refused. Appeal dismissed.
10/0661/FUL	Change of use from house to three one-bedroom flats and one two-bedroom flat.	Refused. Appeal dismissed.
10/0003/FUL	Two storey side and part single, part two-storey rear extension and provision of new vehicle access.	Approved with conditions.
12/5418/PREAPH	Conversion into 4 no. self contained flats.	Pending determination

### 3. BACKGROUND

- 3.1 In September 2011 officers investigated an allegation that the C3 dwellinghouse at 9 Mowbray Road, Cambridge had been converted in to self contained flats.
- 3.2 Officers investigated the unauthorised change of use and were advised that a planning application for change of use would be submitted in the near future.
- 3.3 On 13th February 2012 a planning application reference 12/0183/FUL was submitted for change of use of 9 Mowbray Road to a House in Multiple Occupation.

On 14th August 2012 the application was refused for the following reason:

The subdivision of the 5-bedroom family house into a seven bedroom House in Multiple Occupation constitutes an inappropriate and over-intensive use of the site which would be detrimental to the amenity of the prospective occupiers. The proposal is required to make provision for the parking of cars, bicycles and the storage of refuse and recycling. The plans demonstrate that this cannot be achieved without the provisions being made in such a way that would result in car movements in unreasonable proximity to the entrance of the communal living area and access to the cycle storage and wheelie bins requiring all prospective occupiers to store their bins in an informal fashion against the rear wall of the house and along the end wall of the proposed cycle store, in a manner that would affect the functionability and circulation of this area and detrimental to the amenity of its occupiers. The proposal is therefore contrary to the aims and objectives of Policies 3/7, 3/11, 8/6 and 8/10 of the Cambridge Local Plan 2006.

- 3.4 Two previous planning applications to subdivide the C3 Dwellinghouse into flats were refused in 2010. The details of these applications are:

Application reference 10/1028/FUL: 'Change of use to 1no two bedroom house, 1no two bedroom flat and 1no one bedroom flat'

Application reference 10/0661/FUL for 'Change of use from house to three one-bedroom flats and one two-bedroom flat'.

The refusal of each application was subject to an appeal to the Planning Inspectorate and both appeals were dismissed. Copies of the appeal decision can be found in Appendix B.

- 3.5 Environmental Health officers have confirmed that 9 Mowbray Road is a House in Multiple Occupation licensed for 10 persons in 5 households.
- 3.6 A Planning Contravention Notice was served on 24th October 2012, and returned on 14<sup>th</sup> November 2012.
- 3.7 The current planning use given on the Planning Contravention Notice is 'A mix of self contained units and shared accommodation'.

3.8 Therefore there are two breaches of planning control at 9 Mowbray Road.

1. Change of use to a House in Multiple Occupation.
2. The sub division of part of the property to create self contained flats.

#### **4. POLICY AND OTHER MATERIAL CONSIDERATIONS:**

4.1 The material change of use of 9 Mowbray Road, Cambridge from a C3 Dwellinghouse to self contained flats and a House in Multiple Occupation requires planning permission.

The unauthorised development, namely the change from the lawful planning use took place less than ten years ago and therefore is not immune from enforcement action.

4.2 National Planning Policy Framework states:

'Para 207. Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.'

4.3 Enforcement is a discretionary power. The Committee should take into account the planning history and the other relevant facts set out in this report.

In order to issue an Enforcement Notice there must be sound planning reasons to justify taking such action.

4.4 The subdivision of the 5-bedroom family house into self contained flats and a House in Multiple Occupation (sui generis) constitutes an inappropriate and over-intensive use of the site which would be detrimental to the amenity of the prospective occupiers. Previous applications to change the use of the property to a House in Multiple Occupation were refused because the proposal was contrary to the aims and objectives of Policies 3/7, 3/11, 8/6 and 8/10 of the Cambridge Local Plan 2006.

4.5 Having taken into account the Development plan and all other material considerations it is considered expedient to issue an Enforcement Notice.

## 5. RECOMMENDATIONS

5.1 It is recommended that the Head of Legal Services be authorised to issue an enforcement notice under the provisions of S172 of the Town and Country Planning Act 1990 (as amended), for Material Change of Use from a C3 dwellinghouse to self contained flats and a House in Multiple Occupation (sui generis). Currently, it is expected that the enforcement notice would contain the wording set out in paragraphs 5.2 to 5.4 of this report (with such amendments as may later be requested by the Head of Legal Services).

5.2 Steps to Comply:

1. Cease the unauthorised use of 9 Mowbray Road, Cambridge as self contained flats and a House in Multiple Occupation (sui generis).
2. Revert the planning use of 9 Mowbray Road, Cambridge to its lawful planning use as a single C3 dwelling house.

5.3 Period for Compliance:

6 months from the date the notice comes into effect.

5.4 Statement of Reasons:

It appears to the Council that the breach of planning control has occurred within the last ten years. The applicant has undertaken development without the benefit of planning permission.

Mindful of the NPPF, the development plan policies mentioned in paragraph 4.4 above and to all other material considerations, the Council consider it expedient to serve an enforcement notice in order to remedy the clear breach of planning control.

Consideration has been given to Human Rights including Article 1 Protocol 1 (protection of property), Article 6 (a right to a fair hearing within a reasonable time), Article 8 (right to respect for private family life) and Article 14 (prohibition of discrimination). It is considered that enforcement notices in this case would be lawful, fair, non-discriminatory, and necessary in the general public interest to achieve the objective of upholding national and local planning policies, which seek to restrict such forms or new residential development. The time for compliance will be set as to allow a reasonable period for compliance.

## 6. IMPLICATIONS

- (a) **Financial Implications** - None
- (b) **Staffing Implications** - None
- (c) **Equal Opportunities Implications** - None
- (d) **Environmental Implications** - None
- (e) **Community Safety** - None

## **BACKGROUND PAPERS:**

No background papers were used in the preparation of this report:

## **APPENDICES**

Appendix A            Site plan

Appendix B            Appeal decisions

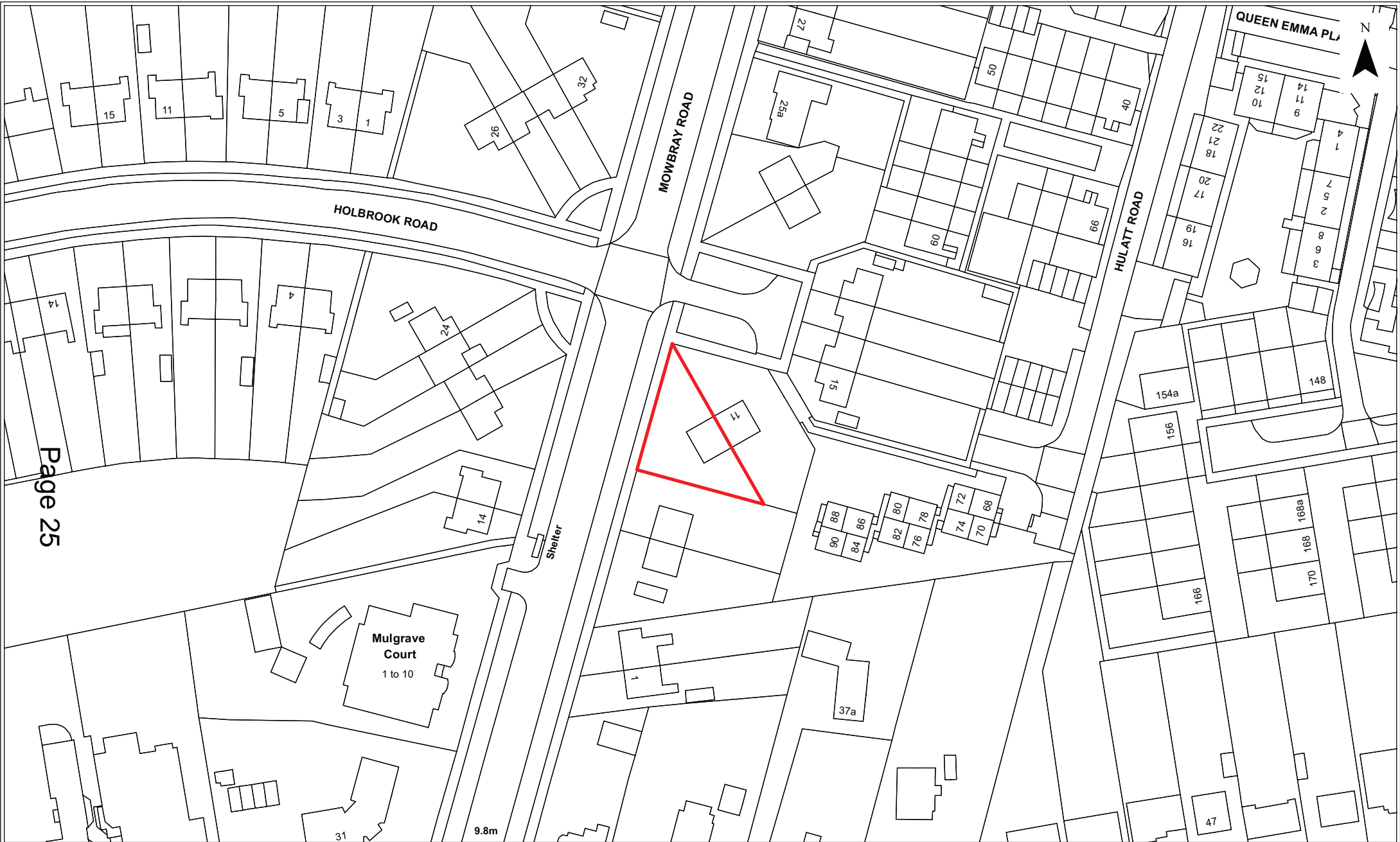
To inspect these documents contact Deborah Jeakins on extension 7163

The author and contact officer for queries on the report is Deborah Jeakins on extension 7163.

Report file: N:\Development Control\Planning\Enforcement\Committee reports\9 Mowbray Road 2013.doc

Date originated:    28 Nov 2012      Date of last revision:    10 Dec 2012

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# 9 Mowbray Road



Date:	6th December 2012
Produced by:	GIS Team
Section/Department:	Information Systems, Environment Dept
Scale:	1:1,000 @ A4

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## Appeal Decision

Site visit made on 15 August 2011

by **John Felgate BA (Hons), MA, MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

**Decision date: 22 August 2011**

### **Appeal Ref: APP/Q0505/A/11/2148073 9 Mowbray Road, Cambridge CB1 7SR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Pankhania against the decision of Cambridge City Council.
- The application Ref 10/1028/FUL, dated 12 October 2010, was refused by notice dated 7 December 2010.
- The development proposed is described as change of use to 1 no. two-bedroom house, 1 no. two-bedroom flat, and 1 no. one-bedroom flat.

### **Decision**

1. The appeal is dismissed.

### **Planning background**

2. The appeal property is a semi-detached house. Planning permission for side and rear extensions and a new vehicular access was granted in 2010 (Ref 10/003/FUL). At the time of my visit, that development appeared largely complete, except for the access. The rear yard had been fully concreted.
3. A subsequent application proposed to convert the extended building into three 1-bedroom and one 2-bedroom flats. That application became the subject of an appeal, which was dismissed in January 2011 (APP/Q0505/A/10/2138349). The inspector in that case found that the proposal would result in the front forecourt becoming dominated by parked cars and wheelie bins, causing harm to the area's character and appearance; and she also considered that the scheme would fail to create satisfactory living conditions for future occupiers, in terms of noise and outlook, due to the positioning of cars and refuse bins close to windows. The inspector found no justification for the various financial contributions sought by the Council, but this did not overcome the harm.
4. In the present appeal, the Council raises no objections relating to the effects on the area's character and appearance, and does not object to the subdivision of the property in principle.

### **Main issues**

5. In the light of the above, and the written submissions before me, the main issues in the present appeal are:
  - whether the scheme would provide acceptable living conditions for future occupiers, with particular regard to proposed unit 2;
  - and whether financial contributions should be required in respect of community development or waste facilities.

## **Reasons for decision**

### *Living conditions*

6. In the present scheme, household waste for each of the three residential units would be stored in bins sited together at the rear of the building. Based on the submitted proposals, this would involve three wheellie-sized bins for each dwelling, making nine such bins in total. I agree that siting these bins to the rear is preferable to storing them at the front or side as in the previous appeal scheme. However, the location now proposed would be immediately outside the kitchen door and window of unit 2. In my view it is clear that siting so many bins, belonging to three different households, so close to the doors or windows of one unit, would be likely to cause a significant nuisance. Not only would this location present an unacceptably poor outlook, but there would also be noise from the opening and closing of the bins, and the potential for unpleasant smells. In addition, the use of this area immediately adjacent to unit 2 would result in a loss of privacy for that unit's occupiers.

7. Cycle parking would be provided in a wooden building, measuring 4m long and 2.5m high, to be sited in the same area. I accept that this would provide a high degree of security for bicycles, and would encourage the use of this form of transport in accordance with relevant policies. But the cycle store would again be only 1.5 m from unit 2's back door and window. It seems to me that siting such a large structure in this way would intrude unacceptably into the already limited space around the main building, further restricting any outlook to the rear, and giving this area the appearance of being excessively cluttered and somewhat oppressive. In addition, the positioning of the access to this building would again require users to pass directly adjacent to unit 2's door and window, exacerbating the loss of privacy arising from the siting of the refuse area.

8. The main entrance to unit 2 would be at the side of the property, adjacent to the proposed vehicular turning area. Whilst I agree that a turning facility is necessary, the manoeuvring of vehicles in that area would be likely to result in disturbance to the occupiers, and also potentially significant danger, especially to any children or less mobile persons. Furthermore, if the turning area also became used as additional parking, as seems quite likely, unit 2's entrance would be seriously obstructed, causing further inconvenience.

9. In addition, I note that the siting of the entrance to unit 3 would require users to approach close to the main window of unit 2's lounge, causing further loss of privacy to that unit.

10. I appreciate that there may be scope for some of these shortcomings to be addressed through further amendments, but based on the information before me now, there is no certainty that this would result in a satisfactory scheme overall. I therefore agree with the Council that the objections to the present proposals cannot be overcome by means of conditions.

11. For these reasons, I conclude that the deficiencies that I have identified would result in unacceptable living conditions within unit 2, contrary to the aims of Local Plan Policy 5/2.

*Financial contributions*

12. The contributions sought by the Council relate to community development facilities and household waste receptacles. Provision for the Council to seek payments towards such facilities and infrastructure is contained within Policy 5/14 of the Local Plan and Policies P6/1 and P9/8 of the Structure Plan<sup>2</sup>.
13. However, Regulation 122<sup>3</sup> of the relevant Regulations requires that such payments may only be made where, amongst other things, they are necessary to make the proposed development acceptable in planning terms. A similar test is also contained within Circular 05/2005. In the present case, the submissions before me fail to indicate how the payments now sought by the Council would pass this test.
14. In particular there is nothing to suggest that, in the absence of any contribution to community facilities, the development now proposed would cause harm in that respect, to such an extent that the lack of such a payment would in itself justify the refusal of planning permission. In the case of the contribution that is sought towards waste receptacles, whilst such a payment would relate to the Council's concern over refuse storage, it would not overcome that concern, and thus would not make the development acceptable.
15. I note the contents of the relevant SPD<sup>4</sup>, which explains the reasoning behind seeking financial contributions, and the amounts sought. But this does not outweigh the need for any such payments to comply with the Regulations and Circular referred to above.
16. I therefore conclude that the lack of the financial contributions sought by the Council has not been shown to justify refusal.

**Overall conclusion**

17. For the reasons explained above, I have concluded that the proposed scheme would result in seriously sub-standard living accommodation for the occupiers of proposed unit 2. For that reason, planning permission should not be granted.
18. The financial payments sought by the Council have not been shown to be necessary, and had there been no other grounds, this would not have been a proper reason to withhold planning permission. But in this case the failure to provide acceptable living conditions is a compelling objection.
19. I have taken account of all the other matters raised, but these do not alter my conclusion. I therefore dismiss the appeal.

*John Velgate*

INSPECTOR

<sup>2</sup>The Conurbation and Metropolitan Structure Plan, 2003

<sup>3</sup>The Community Infrastructure Levy Regulations, 2010

<sup>4</sup>Planning Obligations Strategy: Supplementary Planning Document, March 2010



## Appeal Decision

Site visit made on 13 December 2010

by **Frances Mahoney** DiTP MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 January 2011

**Appeal Ref: APP/Q0505/A/10/2138349**  
**9 Mowbray Road, Cambridge CB1 7SR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Pankhania against the decision of Cambridge City Council.
- The application Ref 10/0661/FUL, dated 1 July 2010, was refused by notice dated 8 September 2010.
- The development proposed is the change of use to 3 no one bedroom flats and 1 no two bedroom flat.

### Decision

1. I dismiss the appeal.

### Procedural Matter

2. Planning permission was granted for a two storey side, and part single, part two-storey rear extension and provision of new vehicle access at No 9 Mowbray Road (10/0003/FUL). At the site visit it was evident that much of the works associated with the permitted extensions had been carried out, although not completed. The layout of the permitted extensions differed from that of the floor plans submitted as part of this appeal. Therefore, for the avoidance of doubt, it is confirmed that the consideration of this appeal is based on the plans as submitted and not the layout of the works of construction as already carried out.

### Main Issues

3. The Council has confirmed that due to the residential character of the area there is no objection to the principle of subdividing the extended house at No 9 Mowbray Road into flats. This is a reasonable conclusion to come to in the circumstances. Therefore, the main issues in this case are:
  - the effect of the conversion to 4 flats on the character and appearance of the surrounding area;
  - on the living conditions of future residents of the flats in respect of noise and disturbance and outlook; and
  - on the provision of associated public open space facilities; community facilities; and household waste and recycling receptacles.

## **Reasons**

### *Character and appearance*

4. No 9 Mowbray Road is one half of a pair of semi-detached houses, typical of other pairs in the immediate locality. The pair is prominently located on the corner of a small cul-de-sac and the main highway of Mowbray Road, a busy route in and out of the City. The area is characterised by residential development which has the appearance of traditional houses being set back from the road with landscaped front gardens and off-street parking.
5. The proposed conversion would require very little external alterations to the building to facilitate the establishment of the 4 flats. However, the 4 residential units would require provision for off-street parking as well as refuse storage.
6. In the case of parking, the front garden would be of sufficient area to accommodate 4 parking spaces, including turning area. However, virtually the full expanse of the front and part side garden would be required to be hard surfaced to accommodate the parking facilities. The 4 parking spaces would abut the common boundary with No 11, the attached neighbouring house. The cars, when parked, would dominate the front of No 9 being in close proximity to the front bay window of the ground floor flat with the turning area extending up to the front door of the side ground floor flat.
7. As parking is also limited along Mowbray Road and there is competition for spaces in the neighbouring roads due to the areas proximity to Addenbrooks Hospital, there may also be a temptation to park in the side turning space.
8. The extent of the proposed frontage parking would be out of character with that which prevails in the wider area within the front gardens of the neighbouring houses.
9. In addition, the proposed refuse storage facility would comprise locating 8 wheelie bins across the front and side elevations of the two storey side extension of the house and close to the front door and front window of the side ground floor flat. Such an arrangement would appear cluttered within the appeal site.
10. The imposition of a condition to deal with the possibility of the re-siting of the refuse storage area would not overcome the concern in this regard, particularly as there may also be a requirement for a further 4 wheelie bins to comply with the City's current waste strategy.
11. In both cases the front forecourt of the proposed flats would be dominated by parked cars and wheelie bins. These would be particularly unattractive, prominent features which would identify and accentuate the flat conversion. There would also be little opportunity for effective frontage landscaping to soften the impact of the parking and refuse storage area.
12. Therefore, the proposed conversion to four flats would result in the exterior setting of the building being dominated by expansive frontage parking and a concentration of wheelie bins, prominently located, which would present a cramped, uncharacteristic layout to the appeal site harming the character and appearance of the traditional layout of the neighbouring residential development, dominating the wider street scene. This would be contrary to the *Cambridge City Council Local Plan 2006 (LP)* saved policies 3/7, 3/10 and 3/12,

which seek to maintain the prevailing character and appearance of an area; provide attractive and high quality environments; enhancing street frontages; and create distinctive places.

#### *Living conditions*

13. The proposed layout of the appeal site to accommodate 4 flats requires cars to be parked and manoeuvred very close by to the ground floor flats, in particular the front bay window, which would have a poor outlook directly onto the parked cars; and the front door of the other ground floor flat which would similarly be affected. Residents of these flats would have a heightened awareness of the movements of vehicles both in terms of the noise of the vehicles entering and exiting the site as well as from seeing the movement of the vehicles, including head lights at night, which would cause further disturbance in close proximity to the individual flats. The appellant has indicated the space in front of the bay window could be allocated to the occupier of that particular flat. However, the outlook and noise from the vehicle would not be diminished by the fact the car might belong to the flat occupier, nor would it diminish the cramped appearance of the site frontage in this regard.

14. In addition, the side ground floor flat would not have a pleasant outlook from its front and side windows, there being the 8 wheelie bins lined up against the outside wall. Without careful and scrupulous housekeeping of this area problems in relation to smells and the un-neighbourly dumping of rubbish could also ensue.

15. The appellant suggests that the wheelie bins could be relocated to the rear of the building. However, such an alternative siting is not part of the submitted scheme and would need to be assessed against the impact of such a compound, which could be sizable, in relation to the available garden space; the provision of appropriate cycle storage; and its effects on the residents of the flats which have a rear aspect.

16. Therefore, for the above reasons, the proposed conversion would not represent a high quality living environment for the future residents of the proposed flats contrary to LP Policies 3/7, 3/10 and 3/12.

#### *Planning Obligation*

17. The Council has indicated there is a need for appropriate contributions in respect of the provision of public open space and community development facilities along with household waste and recycling receptacles. The appellant has also confirmed a willingness to enter into an agreement to secure the identified provisions, although no signed agreement has been submitted as part of this appeal.

18. The purpose of the Council's *Planning Obligation Strategy 2010* is to secure measures or contributions to address the likely impact of proposed development on the physical and social infrastructure of the City. Such contributions should be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

19. However, other than explaining the calculation of the relevant monetary sums in each case, the specific current needs in the area around the appeal site and how the development would affect existing provision has not been explored.

No indication has been provided as to where the public open space and community facility contributions would be targeted locally. Therefore, in these circumstances, the lack of evidence of where the identified contributions would be specifically targeted in the locality and the relationship of these projects with the development, leads to the conclusion that the need for the contributions in respect of the provision of public open space, community facility and household waste and recycling receptacles has not been demonstrated. Therefore, in these circumstances such contributions should not be required and LP saved policies 3/7, 3/8, 3/12 and 10/1, along with the *Planning Obligation Strategy 2010* and the *Open Space and Recreation Strategy* would not be compromised in this case.

**Conclusion**

20. Notwithstanding the favourable conclusion on the provision of associated public open space facilities; community facilities; and household waste and recycling receptacles, for the reasons set out above, the impact of the appeal proposal on the character and appearance of the surrounding area and living conditions of future residents are sufficient to justify the dismissal of this appeal.

*Frances Mahoney*

INSPECTOR

